

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/US2004/024335

International filing date (day/month/year)
28.07.2004

Priority date (day/month/year)
28.07.2003

International Patent Classification (IPC) or both national classification and IPC
H04Q9/00

Applicant
DEKA PRODUCTS LIMITED PARTNERSHIP

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1 (a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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INTERNATIONAL SEARCHING AUTHORITYInternational application No.
PCT/US2004/024335

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Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. II Priority

1. ☒ The following document has not been furnished:

- ☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).
- ☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. ☐ It has not been possible to consider the validity of the priority claim because a copy of the priority document was not available to the ISA at the time that the search was conducted (Rule 17.1). This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.
4. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|-------------|-------------------|
| Novelty (N) | Yes: Claims | 5-10, 18-20, 24 |
| | No: Claims | 1-4, 11-17, 21-23 |
| Inventive step (IS) | Yes: Claims | |
| | No: Claims | 1-24 |
| Industrial applicability (IA) | Yes: Claims | 1-24 |
| | No: Claims | |

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:

D1: US-A-5 973 481 (THOMSON WILLIAM R ET AL) 26 October 1999 (1999-10-26)

D2: EP-A-1 202 594 (KURITA WATER IND) 2 May 2002 (2002-05-02)

2. The present application does not meet the criteria of **Article 33(1) PCT**, because the subject-matter of claims 1, 21 and 23 is not new in the sense of **Article 33(2) PCT**.

- 2.1 The document **D1** discloses all the technical features of claim 1 namely (the references in parentheses applying to this document):

A monitoring system for distributed utilities, the monitoring system comprising:

- a. a generation device for converting an available resource to a desired utility, the generation device characterised by a plurality of operating parameters (col 9, lines 29 - 34; fig 4);
- b. an input sensor for measuring input to the generation device (col 4, lines 8 - 12; col 9, lines 12 - 18; fig 3; fig 4);
- c. an output sensor for measuring consumption of output from the generation device (col 4, lines 8 - 12; col 9, lines 31 - 59; col 28, lines 21 - 26 and lines 39 - 44; fig 3; fig 4);
- d. a controller for concatenating measured input and consumption of output on the basis of the input and output sensors (col 8, lines 17 - 23; col 8, line 67 - col 9, line 6; fig 3) .

The subject-matter of claim 1 is therefore not new (**Article 33(1) and (2) PCT**).

- 2.2 Independant claim 21 discloses the same technical features with claim 1 but in method terms. Therefore claim 21 is not new (**Article 33(1) and (2) PCT**).
- 2.3 Similar objections as for claim 1 apply, mutatis mutandis, to the subject-matter of the corresponding independent network claim 23 (see also in **D1**: col 7, lines 4 - 10; col 7, line 61 - col 8, line 6; col 19, lines 58 - 65) which therefore is also

considered not new.

- 2.4 The subject-matter of claim 24 differs from what is known in **D1** in that the system not only monitors the use of the supplied utility but is also charging the users on the basis of the index of generator usage. Billing systems like that are well known in the art (see also **D2** paragraph 9).

The subject-matter of claim 24 is therefore not inventive (**Article 33(1) and (3) PCT**).

3. Dependent claims 2 - 4, 11- 17 and 22 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the **PCT** in respect of novelty.

-claims 2 - 4: (col 9, lines 14 - 22; col 9, lines 38 - 47)

-claims 11 - 13: (col 8, line 65 - col 9, line 6; claim 1)

-claims 14 - 16, 22: (col 7, lines 4 - 10; col 7, line 61 - col 8, line 6)

-claim 17: (col 19, lines 58 - 65)

The subject-matter of claims 2 - 4, 11- 17 and 22 is therefore not new (**Article 33(1) and (2) PCT**).

4. Dependent claims 5 - 10 and 18 - 20 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the **PCT** in respect of inventive step.

-claims 5 - 10: The person skilled in the art would find it obvious to adapt a monitoring system for distributed electrical power generating stations to a distributed water purifier generating stations system as they form both distributed utilities systems that need to be monitored and to charge the consumers. It is obvious for the skilled person to choose and install the appropriate sensor to monitor the input and the output of a water purifier. Such sensors may be sensors determining the flow rate by measuring temperature, pressure, turbidity, conductivity or power consumption. All this sensors are well known in the art.

-claims 18 - 20: The use of self-locating devices and of systems like GPS is well known to the person skilled in the art who would find also obvious for input and output characteristics of the system to be dependent on the location of the

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monitored system.

The subject-matter of claims 5 - 10 and 18 - 20 is therefore not inventive (**Article 33(1) and (3) PCT**).